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600 GALLERIA PARKWAY, S.E.
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ATLANTA GA 30339-5994

COPY MAILED

JUN 20 2008

In re Application of	:	DECISION
Patrick Duvaut, Ehud Langberg, Lujing Cai,	:	AMENDING INVENTORSHIP AND
Laurent Pierrugues, William Scholtz , Oliver	:	GRANTING RULE 1.183
Moreno, Feng Ouyang and Massimo Sorbara	:	
Application No. 10/714,655	:	
Filed: November 18, 2003	:	
Attorney Docket No. 060707-1680	:	

This is in response to the petitions filed under 37 CFR §§1.48 and 1.47 filed on January 15, 2008. The petition filed under 1.47 is hereby sua sponte being treated under 37 CFR 1.183.

The petition filed under 37 CFR 1.48 is **GRANTED**.

The petition filed under 37 CFR 1.47 is **DISMISSED** as inappropriate.

The petition filed under 37 CFR 1.183 is **GRANTED**.

The above-identified application was filed on November 11, 2003. An executed oath or declaration was filed on April 12, 2004 filing naming inventors Duvaut, Langberg, Cai, Pierrugues, Scholtz, Moreno and Ouyang as the co- inventors. Petitioner now seeks to amend the inventorship for the above-identified application to add inventor Massimo Sorbara.

Petition Under 37 CFR 1.48

A grantable petition under 37 CFR 1.48 (a) requires: (1) a request to correct the inventorship that sets forth the desired inventorship change; (2) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) an oath or declaration by the actual inventor or inventors as required by §1.63 or as permitted by §§ 1.42, 1.43 or §1.47; (4) the processing fee set forth in §1.17(I); and (5) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Petitioner has met the requirements of 37 CFR 1.48 with the filing of a grantable petition under 37 CFR 1.183.¹

¹The petition filed under 37 CFR 1.47 provided the information required for a grantable petition under 1.183.

The Petition Under 37 CFR 1.47

Petitions under 37 CFR 1.47 are only applicable to an original oath or declaration and are not applicable to the re-execution of another oath or declaration by an inventor who executed the original declaration. In such circumstances, a petition under 37 CFR 1.183 should be considered requesting waiver of the requirement of 37 CFR 1.64 that each of the actual inventors, execute the oath or declaration, particularly where assignee consent is given to the requested correction.

The petition under 37 CFR 1.47 is **dismissed as inappropriate.**

Petition Under 37 CFR 1.183

In those situations where, as here, a previously signing inventor refuses to execute a supplemental oath or declaration under 37 CFR 1.67, waiver under 37 CFR 1.183 of the requirement for an additional signature would be appropriate upon a showing of such refusal or inability to reach the inventor. Every existing assignee of the original named inventors must give its consent to the requested correction.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented adequately establishes, that inventor Oliver Moreno has refused to re-execute the application papers. It is agreed that under the extraordinary circumstances of this application, justice would be served by waiver of the requirements of 37 CFR 1.48(a)(3).

The petition under 37 CFR 1.183 is **Granted.**

The Office is in receipt of \$200.00 towards the petition fee under 37 CFR 1.47. However, the petition fee under 37 CFR 1.183 is \$400.00. As such deposit account no. 50-0835 will be charged the \$200.00 difference.

This application is being referred to the Office of Data Management Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/714,655	11/18/2003	2611	2040	060707-1680	16	1

CONFIRMATION NO. 2525

CORRECTED FILING RECEIPT

24504

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Date Mailed: 06/20/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Patrick Duvaut, Tinton Falls, NJ;
Ehud Langberg, Wayside, NJ;
Lujing Cai, Morganville, NJ;
Laurent Pierrugues, Tinton Falls, NJ;
William Scholtz, Red Bank, NJ;
Oliver Moreno, Paris, FRANCE;
Feng Ouyang, Holmdel, NJ;
Massimo Sorbara, Freehold, NJ;

Assignment For Published Patent Application

Globespan Virata Incorporated

Power of Attorney: The patent practitioners associated with Customer Number 24504

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/491,268 07/31/2003
and claims benefit of 60/426,796 11/18/2002

Foreign Applications

If Required, Foreign Filing License Granted: 02/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/714,655**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

IMPLEMENTATION OF SMART DSL FOR LDSL SYSTEMS

Preliminary Class

375

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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